

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BRANDAN WILKINS,  
  
Defendant.

CASE NO. CR19-0063-JCC  
  
ORDER

This matter comes before the Court on Defendant's motion for remote sentencing (Dkt. No. 68). The Court has reviewed Defendant's submission and the relevant record and hereby GRANTS the motion for the reasons explained below.

In February 2021, Defendant waived indictment and pleaded guilty to Counts 1–5 contained in a Superseding Information. (Dkt. Nos. 47, 51, 52.) He is currently scheduled to be sentenced for these charges at an in-person hearing on January 11, 2022 in courtroom 16206 at 9 a.m. (*See* Dkt. No. 61.) Defendant moves to conduct the hearing remotely, citing his risk of serious illness were he to suffer another<sup>1</sup> coronavirus infection, in light of chronic medical conditions. (Dkt. No. 68 at 3.) Defendant further indicates that the Government supports the request, as it would allow a victims' father, who wishes to speak on his child's behalf, to do so

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<sup>1</sup> The Court has learned that, since Defendant filed his motion, he contracted COVID-19 while detained pending sentencing at the Federal Detention Center.

1 while avoiding the risks of cross-country travel in the midst of the pandemic. (*Id.*)

2 Chief Judge Martinez renewed the Court's procedures set forth in General Order 4-20.  
3 *See also* W.D. Wash. General Order 14-21 (December 22, 2021) (renewing the procedures  
4 described in General Order 04-20). That order authorized the use of videoconference in felony  
5 sentencings in accordance with the CARES Act § 15002 "provided that the district judge in a  
6 particular case finds specific reasons that the plea or sentencing in that case cannot be further  
7 delayed without serious harm of the interests of justice." W.D. Wash. General Order 04-20, at 2–  
8 3 (Mar. 30, 2020). The order further advised that, in cases that can be delayed without such harm  
9 to the interests of justice, "the district judge should instead continue the sentencing." *Id.*  
10 Moreover, in light of the impacts of the omicron variant, Chief Judge Martinez later issued  
11 General Order 16-21, encouraging the use of remote criminal hearings through February 7, 2021.  
12 *See* W.D. Wash. General Order 16-21 (December 30, 2021).

13 Based on Defendant's motion, his present circumstances, and in light of the Court's  
14 General Orders, the Court hereby FINDS the following specific reasons why further delay would  
15 seriously harm the interests of justice:

16 1. Defendant has pleaded guilty, and all that remains is for the Court to sentence  
17 him.

18 2. Defendant has articulated compelling reasons for why traveling to the courthouse  
19 for sentencing would impose health hardships to himself and the victim's family. Moreover, it is  
20 not clear that further delaying sentencing would alleviate this obstacle.

21 3. Defendant's case has been pending for almost three years and delaying sentencing  
22 would serve only to prolong a period of uncertainty and to delay resolution of this case.

23 4. The interests of justice favor finality and resolving criminal prosecutions in an  
24 expeditious and fair manner.

25 Accordingly, the Court GRANTS Defendant's motion (Dkt. No. 68), and ORDERS that  
26 Defendant's sentencing be conducted remotely at 9 a.m. January 26, 2022. The parties should

1 contact the Courtroom Deputy 24 hours before the hearing to request login or call-in  
2 information.

3 DATED this 6th day of January 2022.

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7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
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